

## REMARKS

The following remarks address prior art rejections asserted against claims of the parent application, of which the present application is a continuation. References as applied against the claims of the parent application include Avakov and Moss, as well as other references.

Independent claim 1 is allowable over Avakov. There is no teaching in Avakov of a carrier line spool that is adapted to be positioned underwater.

The 12/1/2003 Office Action stated that Figure 1 of Avakov shows the drum/reel 20 to be lower than the top of the framework 24 of the wellhead, which indicates that the drum/reel 20 is located subsea. 12/01/03 Office Action at 5. It is respectfully submitted that this assertion of the Office Action is inconsistent with the expressed words of Avakov itself, which *teaches* that the drum/reel is positioned on a truck for mobile operations. Placing the drum/reel 20 subsea would contradict this teaching of Avakov, as the drum/reel 20 would no longer be mobile.

Also, Figure 1 of Avakov is a schematic diagram not intended to be to scale. There is no teaching whatsoever that the drum/reel 20 can be positioned underwater. The assertion made in the Office Action is based not on any specific teaching of Avakov, but instead is based on speculation of what Figure 1 of Avakov might disclose.

It is respectfully submitted that the subject of claim 1 is not disclosed or suggested by Avakov.

Independent claim 17 is also allowable over Avakov, which fails to teach or suggest "positioning a carrier line spool underwater."

With respect to the subject matter of independent claim 13, the 12/1/2003 Office Action conceded that Avakov does not disclose an underwater marine unit to operatively couple a carrier line to subsea wellhead equipment. However, the Office Action cited to Moss as teaching this missing element. However, Applicant notes that Moss does not teach or suggest the underwater marine unit of claim 13. Claim 13 recites an underwater marine unit adapted to operatively couple a carrier line to subsea wellhead equipment. That is not disclosed or suggested at all by Moss. In Moss, an ROV is described as attaching the entire intervention system, packaged in the three-dimensional space frame 29, to the subsea tree. There is absolutely no need in Moss for an underwater marine unit to couple a carrier line to subsea wellhead equipment. Because neither Avakov nor Moss

teaches the underwater marine unit recited in claim 13, it is respectfully submitted that the combination of Avakov and Moss also does not teach or suggest the invention.

The 12/1/2003 Office Action asserted that the ROV of Moss "is capable of performing a number of functions beneath the surface of the sea." 12/1/03 Office Action at 5. Thus, the Office Action stated that "[i]t is assumed that if the ROV were capable of attaching the entirety of an intervention system then it would be adapted to able [sic] to attach a carried line to a wellhead frame." *Id.* This reasoning does not support a *prima facie* case of obviousness. As stated by the MPEP itself, the mere fact that references *can be* modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01 (8<sup>th</sup> ed., Rev. 1) at 2100-126. "Although a prior art device may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation to do so." *Id.* Except for a conclusory statement that the ROV of Moss is capable of doing what is recited in the claim, the 12/1/2003 Office Action has failed to cite to any actual teaching or suggestion in the references of the claimed subject matter.

It is therefore respectfully submitted that claim 13 is not obvious over Avakov and Moss.

Independent claim 28 is also similarly allowable over the asserted combination of Avakov and Moss.

Independent claim 30 is also allowable over the asserted combination of Moss and Kogure. As stated in Moss, a goal of its proposed invention is the elimination of a riser to the surface. Moss, ¶¶ [0012]-[0013]. Kogure is directed to a riser that includes a riser stabilizing system and supplementary buoyancy tanks fixedly positioned to the upper end of the riser 16. Kogure, 3:14-18; 3:25-26, 4:31-33. Thus, while Moss teaches the elimination of a riser, Kogure teaches the exact opposite--a specific type of riser with equipment to support ease of use of the riser. Combining the teachings of Moss and Kogure would defeat the goals and objective of both references. A basic requirement of establishing a *prima facie* case of obviousness is that a proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference." *Id.* at § 2145 at 2100-156. Therefore, there can be no motivation or suggestion to combine the teachings of Kogure and Moss.

Therefore, claim 30 is not obvious over Moss and Kogure.

All dependent claims are allowable for at least the same reasons as corresponding independent claims. Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (SHL.0099C1US).

Respectfully submitted,

Date: 6/7/04

  
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